IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1474 OF 2006

IN

SECOND APPEAL NO. 643 OF 2000

Narayangiri Gurusomeshwargiri ... Applicant.

vs.

Smt. Yeshodabai Ramchandra Gawade

& Ors. . .. Respondents.

Mr. S.N. Gawade with Mr. R.D. Soni

for applicat

Mr. Rahul S. Kate for Respondent.

CORAM : A.P. DESHPANDE, J.

DATE : 15th November, 2006.

P.C.

. The subject matter of the second appeal is an agricultural land to which the appellant claims title and ownership whereas the judgment and decree has been passed by the trial Court which is confirmed in First Appeal, granting permanent injunction restraining the present appellant from interfering with the possession of the respondent. It is the case of the petitioner Trust that every year 'Varkaries' assemble on the suit land for a

period of one week to have religious function while coming from Nasik to Alandi. During the pendency of the second appeal since 2000 without any exception every year ad-interim orders are passed by this Court by which the 'Varkaries' are permitted to assemble for this period of seven days on the suit land, of course, subject to furnishing an undertaking by the petitioner that it should be ensured that there is no damage done to the crops. In view of the similar orders passed in the past, I proceed to allow the civil application. I permit the 'Varkaries' on behalf of the petitioner to assemble on the suit land bearing survey no. 107/5 situated at village Alandi Devachi, Taluka Khed, District Pune during the period from 'Kartik Vadya Navami to Kartik Vadya Chaturdshi' betwee 15.11.2006 to 20.11.2006. An express undertaking is already furnished by the appellant on behalf of the 'Varkaries' that no damage shall be done to the standing crops.

. Parties to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(A.P. Deshpande, J.)